

October 7, 2020

VIA ECF

The Honorable Barbara Moses
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street, Courtroom 20A
 New York, NY 10007

Re: *In re Global Brokerage, Inc. f/k/a FXCM, Inc. Securities Litigation*,
 Master File No. 1:17-cv-00916-RA-BCM

Dear Judge Moses:

Plaintiffs 683 Capital Partners, LP, Shipco Transport Inc., Sergey Regukh, Brian Armstrong, and E-Global Trade and Finance Group, Inc., and Defendants Global Brokerage, Inc. f/k/a FXCM, Inc., Dror Niv, and William Ahdout submit this joint letter motion proposing to modify the operative scheduling order.

Judge Abrams entered the original Case Management Plan and Scheduling Order on June 4, 2019 (“Scheduling Order”). ECF No. 142. Your Honor modified the Scheduling Order on March 17, 2020, extending by thirty days all unexpired discovery deadlines in light of the COVID-19 pandemic. ECF No. 163. On August 20, 2020, the Parties jointly requested that the Court stay all proceedings – other than the October 15, 2020 evidentiary hearing – pending the Parties’ completion of a private mediation. ECF No. 203. The Court granted this request on August 21, 2020. ECF No. 204. The Parties have not sought any other extensions or modifications of the Scheduling Order.

As noted in the Parties’ August 20 letter, before agreeing to mediate, the parties had discussed seeking an extension of the discovery deadlines to allow sufficient time to complete fact depositions. Since the mediation was unsuccessful, the Parties now propose the following modification of the remaining discovery schedule.

Event	Deadline Prior to Stay	Proposed Deadline
Fact depositions completed	September 3, 2020	January 29, 2021
Interrogatories and requests for admission	September 3, 2020 ¹	January 8, 2021

¹ As agreed by the parties on consent, as permitted in the Scheduling Order.

Close of fact discovery and responses to interrogatories and requests for admission	September 3, 2020 ²	February 12, 2021
Opening expert reports	N/A ³	March 22, 2021
Rebuttal expert reports	N/A	May 11, 2021
Reply expert reports and close of all discovery	November 4, 2020	June 11, 2021
Post-discovery conference	November 8, 2020 11:00 a.m.	To be determined by the Court
Joint letter proposing schedule for <i>Daubert</i> and dispositive motions	November 1, 2020	One week prior to post-discovery conference

The Parties respectfully request that the Court enter the proposed schedule to allow sufficient time to complete fact depositions. Good cause exists to modify the scheduling order as proposed above. Defendants took the depositions of each of the Plaintiffs during, but not limited in scope to, class certification discovery.⁴ Plaintiffs have not yet deposed any fact witnesses. Defendants substantially completed their document production in June 2020 and produced additional documents in July and August. The Parties filed a stipulation and proposed order establishing protocol for depositions of fact witnesses on July 31, 2020 (ECF No. 198), which the Court so-ordered on August 3, 2020 (ECF No. 199). The Parties have exchanged preliminary lists of deponents pursuant to the protocol.

The Parties are requesting less than four months to complete fact depositions, which the Parties believe is reasonable and necessary to accommodate the scheduling needs of the anticipated fact witnesses, and counsel, over a period which includes multiple major holidays. The ongoing COVID-19 pandemic may contribute additional scheduling difficulties. For these reasons, the Parties respectfully request that the Court enter a revised scheduling order as set forth above.

Respectfully submitted,

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² Same, as to the deadline for responses to interrogatories and requests for admission.

³ The Scheduling Order did not include dates for expert reports, only a date for the completion of expert discovery.

⁴ Defendants did not take the deposition of Plaintiff Brian Armstrong, who is not seeking appointment as a class representative.

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